IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
WRIT PETITION NO : 35866 of 1997

Between:
K.kamalakar Patnaik, S/o Jogarao patnaik,
R/o Bobbili, Vizianagaram Dist.

..... PETITIONER

AND

1 The G.M., The Nizam Sugars Ltd., Latchyyapeta, Seethanagaram mandal, Vizianagaram Dist.
2 The M.D., Shakra Bhavan, Fathemaidan road, P.B.No.1, khairatabad, Hyd.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus directing the respondents to issue necessary proceedings regularizing the petitioner as Field Maistry in the 1st respondent establishment from 25-11-1993 with all consequential benefits of pay scale seniority and other service benefits as per G.O.Ms.No.212 dated 22-4-1994 issued by Finance and Planning (FW.PC.III) Department by holding the inaction of the respondents as illegal and the consequential proceedings of 1st respondent in NSL/LPT/PER/441/3811 dated 10-12-1997 as arbitrary,illegal and without jurisdiction.

For the Petitioner:MR.N.JAGANNADHAM,ADVOCATE

For the Respondents.: MR.N.VASUDEVA REDDY,ADVOCATE

The Court Made the Following Order :

HONOURABLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

WRIT PETITION No. 35866 of 1997

ORDER:

The writ petition was filed by the petitioner after he was relieved from service and sought directions for regularization of his services and payment of emoluments. During the pendency of the petition, there was stay operating. In addition to petitioner, there were around 150 employees who were retrenched under Section 25-F of the Industrial Disputes Act. The stay order passed was according to the petitioner, pending disposal of the writ petition. Thus, the respondent-company continued to pay salary to the petitioner till May, 2003. Since June, 2003, salaries were not being paid.

During the pendency of the writ petition, all units of respondent-company including Lachayyapet were privatized and the company was transferred to M/s. .N.C.S. Estates (Pvt.) Ltd.

In view of the subsequent developments, in so far as the main relief sought for in the petition is concerned, the same cannot be granted in this petition and as such the petition has been rendered infructuous. Since the other employees who were retrenched in the year 1997 were paid retrenchment compensation, it may be a case for payment of retrenchment compensation. For that purpose, learned counsel for the petitioner states that on 13.4.2004 petitioner submitted a representation for payment of

retrenchment compensation, which has not been processed or acted upon.

Learned counsel for the respondents states that whatever is due and payable to the petitioner will be duly paid by them.

This Court need not decide as to the quantum of retrenchment compensation payable to the petitioner. It will be for the respondents to take appropriate decision in the matter and pay whatever is due and payable to the petitioner in accordance with law.

With these directions, the writ petition stands disposed of. No costs.

Pnb

Sd/-

Assistant Registrar

To:
1 The G.M., The Nizam Sugars Ltd., Latchyyapeta, Seethanagaram mandal, Vizianagaram Dist.
2 The M.D., Shankara Bhavan, Fathemaidan road, P.B.No.1, khairatabad, Hyd.
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